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SEP. 14. 2009 3:06PM OBLON SPIVAK

NO. 281 P. 8

Application No. 10/743,836
Supplemental Reply to Office Action of December 19, 2008

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a hair cleansing composition.

Applicants wish to thank examiner Venkat for the helpful and courteous discussion held with their U.S. representative on September 3, 2009. At that time, the examiner proposed a scope of claim which she believed to be more commensurate in scope with the demonstration of enhanced hair care performance. As such the claims have now been amended to recite specific amphipathic amide lipids and surfactant in specific amounts. In view of applicants' amendment, these claims are now believed to be in condition for allowance.

During the discussion with the examiner, the examiner indicated that she believed that obviousness-type double patenting rejections were appropriate over U.S. 7,455,648 and co-pending application 12/406,170. None of these patent documents claim an organic carboxylic acid of lactic acid or malic acid. None of these patent documents suggest an enhanced hair cleansing performance resulting from the combination of amphipathic amide lipid, anionic surfactant and lactic and/or malic acids. As such the results demonstrated would be sufficient to rebut any obviousness-type double patenting issues. None the less, in the issue of expediency, applicants submit concurrent with this paper terminal disclaimers over U.S. 7,455,648 and U.S. 12/406,170. In view of the submitted disclaimers no issue of obviousness-type double patenting should trouble the examiner.

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Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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